

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1244 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHUBANI

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Dr. Umesh Mishra Son of Late Swaroop Nandan Mishra, resident of Village -
Rajnagar, P.S. - Rajnagar, District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Patna.
2. Dr. Sushil Kumar Jha Son of Late Jagdish Jha, In-charge Medical Officer,
Primary Health Centre, Babu Barhi, P.S. - Babu Barhi, District- Madhubani.
3. Raj Kishore Baitha, Station House Officer, Babu Barhi Police Station,
Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Adv.

For the Respondent/s : Mr. J. P. Karan, AAG-4.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-09-2015

In the present writ application, challenge is to the first
information report instituted against the petitioner in Babu Barhi P. S.
Case No. 28 of 2013 registered under Sections 406, 409, 420/34 of the
Indian Penal Code.

It would be evident from the counter affidavit filed on
behalf of the State that during the pendency of the application after
completion of investigation, charge-sheet had already been submitted
before the Court.

In view of the changed circumstances, I am not inclined to

entertain the present application, as now it is for the Magistrate concerned to apply his mind to the allegation made in the FIR as also to the materials collected in course of investigation and pass an appropriate order in accordance with law.

In case an adverse order is passed against the petitioner by the learned Magistrate, the petitioner would be at liberty to challenge the same in accordance with law.

The application is disposed with the aforesaid observation.

(Ashwani Kumar Singh, J.)

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